

**Remarks/Arguments**

Claims 114 and 116-145 were pending in the application.

Claims 114, 119, 131, 141-143 and 145 have been amended. New claims 146 and 147 have been added. Claims 118 and 144 have been canceled.

The fee in the amount of \$400.00 required under 37 C.F.R. §1.16(h) for two additional independent claims is enclosed.

Claims 114, 116, 117, 120-126, 129, 138 and 141-143 were rejected under either 35 U.S.C. §102(b) or §103(a), as being anticipated or obvious based upon Syrinek et al. (U.S. Patent No. 5,009,799) alone or in combination with Bonekamp et al. (U.S. Patent No. 5,258,137).

Claims 114 and 116-145 were also rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,703,352, alone or in combination with Bonekamp et al.

The Examiner had objected to the terminal disclaimer that was previously provided because it was not signed by an attorney of record. A new Power of Attorney is being submitted with this response, making the undersigned an attorney of record in the present case. Additionally, a new terminal disclaimer is submitted herewith, which should replace that previously submitted in the prior response and which should address the double patenting rejections. The fee submitted with the prior terminal disclaimer, which was not accepted, should be applied to the present terminal disclaimer.

Applicants have noted that claims 118, 119, 127, 128, 130-137, 139, 144 and 145 were rejected solely on the basis of nonstatutory double patenting based upon U.S. Patent No. 6,703,352. Applicants therefore have now amended independent claim 114 to incorporate the limitation of claim 118, which was included among these claims. The limitations that were previously presented in claim 114 relating to the amount of surfactant have been deleted, as this limitation does not appear to be necessary in view of the newly added limitation of claim 118. Claim 118 has been canceled and claim 119, which was dependent upon claim 118 has been amended to include proper dependency. In view of the

new terminal disclaimer, claim 114 and those claims depending from it should now be allowed.

Additionally, claim 127 was also rejected solely on the basis of double patenting. Applicants have added new independent claim 146, which generally incorporates the limitations of claim 114 with those of dependent claims 123 and 127. Claim 128, which was dependent upon claim 127 has been amended to now depend upon new claim 146. Claim 146 and those claims dependent upon it should now be allowed.

Claim 130 was also rejected only on the basis of double patenting. New claim 147 has been added, which incorporates the limitations of claim 114 with those of dependent 130. Claim 130 has been left dependent upon now amended claim 114, as well. Claim 131 has been amended to claim dependency on claim 147. Claim 147 and those claims dependent upon it should be allowed.

Independent claim 134 was rejected solely on the basis of double patenting. Claim 134 and those claims dependent upon it should be allowed in view of the new terminal disclaimer.

Independent claim 141 has been amended to incorporate the limitations of dependent claim 144. Claim 144 was rejected solely upon the basis of double patenting. Claim 144 has now been canceled. Claims 142 and 143 have been amended to include the expression "comprises" to avoid confusion regarding other surfactants that may be used in view of the amendment to claim 141. Claim 145 has been amended to provide proper dependency. Claim 141 and those claims depending from it should not be allowed.

### **Conclusion**

In light of the amended claims and above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants reserve the right to pursue any non-allowed claims filed in this case in a continuation application.

This response is being submitted within three months from the date of the office action. If any extension of time is believed necessary, however, such extension is hereby

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by requested. The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0555CN2).

Respectfully submitted,



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